

HOUSE BILL REPORT

HB 2437

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to the authority of counties, cities, and towns to request criminal background checks from the Washington state patrol.

Brief Description: Authorizing counties, cities, and towns to request background checks for certain license applicants and licensees.

Sponsors: Representatives Moeller, Hudgins and Ormsby.

Brief History:

Committee Activity:

Local Government & Housing: 1/13/10, 1/14/10 [DP].

Brief Summary of Bill

- Authorizes local governments to require background investigations for certain license applicants and licensees.
- Stipulates that background investigations must be processed through the Washington State Patrol Identification and Criminal History Section.
- Requires local governments requesting background investigations to finance the investigation, unless alternately arranged.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 9 members: Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan, Miloscia, Springer, Upthegrove, White and Williams.

Minority Report: Do not pass. Signed by 1 member: Representative Short.

Staff: Becca Kenna-Schenk (786-7291) and Ethan Moreno (786-7386).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Local governments in Washington are authorized by statute to issue licenses and certificates for specified professions or occupations that are not otherwise issued by the state. Examples of such occupations include drivers of taxicabs or other for-hire vehicles, dealers of secondhand goods, peddlers, solicitors, and canvassers.

The Washington State Patrol Identification and Criminal History Section (WASIS) is the statewide repository for fingerprint-based Criminal History Record Information (CHRI). The Washington State Patrol (WSP) is authorized to disseminate conviction data within the WASIS database to local governments without restriction. The WASIS database is limited to CHRI for crimes committed in Washington.

The Federal Bureau of Investigation (FBI) is the national repository for fingerprint-based CHRI. Pursuant to federal law, the FBI may only conduct national criminal record background investigations at the request of state and local government officials for licensing and employment purposes when language authorizing national criminal background investigations is expressly stated in state statute. Current state law authorizes certain state agencies to request national criminal background investigations from the FBI. There is no expressed statutory authorization for local governments to request national criminal background investigations.

Summary of Bill:

Local governments may, by ordinance, require a state and federal background investigation of license applicants or licensees in occupations for which the local government has licensing authority.

State background investigations must be processed through the WASIS, as provided for in statute, and may also include a fingerprint-based national background check through the FBI. The WSP must be the sole source for receipt of fingerprint submissions, as well as responses to the submissions, from the FBI. The WSP is also responsible for disseminating the results of the national background investigations to the requesting local government.

The local government requesting the background investigation is responsible for transmitting the appropriate fees for a state and national criminal history check to the WSP, unless alternately arranged.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is needed in order to reinstate a longstanding practice of providing comprehensive national background checks at the request of local governments for limited licensing purposes. A statutory framework is needed to allow the WSP to, once again, meet the requests of local governments. The WSP discontinued this practice because it is inconsistent with a federal law requiring state statutory authorization of national background checks for the purpose of occupational licensure. This bill provides this needed statutory framework. Without this bill, local governments are limited to requesting state criminal history information, which is incomplete and inadequate. The City of Vancouver currently uses a private company to run background checks, with limited results. Cities need the authority to request national background checks from the FBI for certain occupational license applicants in order to preserve public safety. The City of Vancouver is particularly interested in obtaining background checks for applicants of taxicab driver licenses because they transport children, vulnerable adults, and the elderly. The bill requires local governments to enact an ordinance in order to request background checks on certain classes of licensees.

(Opposed) None.

Persons Testifying: Representative Moeller, prime sponsor; and Mark Brown and Phil Giglar, City of Vancouver.

Persons Signed In To Testify But Not Testifying: None.